

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

STEPHEN G. CONKLIN	:	Civil No. 1:13-cv-3058-JRS
	:	
Plaintiff	:	(Sanchez, J.)
	:	
v.	:	
	:	
YVETTE KANE	:	MOTION TO STRIKE
Defendant	:	
	:	JURY TRIAL DEMANDED

PLAINTIFF'S MOTION TO STRIKE MARK E. MORRISON'S  
OPPOSITION TO REMAND

NOW COMES, Plaintiff, Stephen G. Conklin who moves upon this  
Court to Strike Mark E. Morrison's Opposition to Plaintiff's Motion for  
Remand. In support, Plaintiff states the following:

1. On or about January 17, 2004 U.S. Assistant Attorney Michael J.  
Butler as counsel for U.S. Assistant Attorney, Mark E. Morrison filed  
a motion in opposition to Plaintiff's remand motion; said counsel did  
not seek concurrence/non-concurrence (per LR 7.1).
  2. Thereafter, on or about February 7, 2014 counsel for Mark E.  
Morrison filed a brief in support of their opposition to remand. This  
brief was filed untimely.
- MOTION TO STRIKE
3. Plaintiff incorporates ¶¶ 1-2 as if fully set forth at length herein.

4. U.S. District Court for the Middle District of Pennsylvania Local Rule

(“LR”) 7.6 entitled, “Submission of Briefs Opposing Motions” states

in pertinent part that:

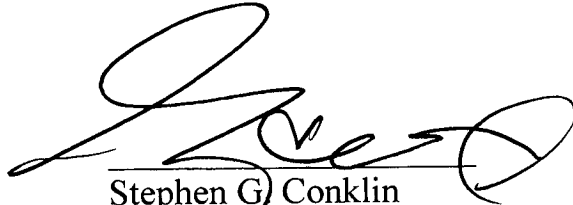
Any party opposing any motion, other than a motion for summary judgment, shall file a brief in opposition within fourteen (14) days after service of the movant's brief, or, if a brief in support of the motion is not required under these rules, within seven (7) days after service of the motion. ***Any party who fails to comply with this rule shall be deemed not to oppose such motion.*** Nothing in this rule shall be construed to limit the authority of the court to grant any motion before expiration of the prescribed period for filing a brief in opposition. (emphasis added)

5. Plaintiff's brief was filed on January 22, 2014 and promptly served.
6. Counsel for Morrison did not file a brief in opposition until February 7, 2014, or sixteen (16) days following service of Plaintiff's brief.
7. Moreover, counsel for Morrison (as required per LR 5.6) uses the EFC filing system, and thus made aware thereby of all filings with the District Court relating to cases they actively participate in.
8. Accordingly, counsel for Mark E. Morrison's brief in opposition is untimely, for failure to comply with LR 7.6; per which, their opposition “shall be deemed not to oppose such motion” as filed by Plaintiff.

9. Plaintiff therefore requests that this Court Strike Mark E. Morrison's opposition to Plaintiff's remand for having failed to comply with LR 7.6.

Wherefore, Plaintiff respectfully requests that this Court Strike Mark E. Morrison's opposition to Plaintiff's motion for remand, for failure to comply with LR 7.6, and further, requests that the December 6, 2013 removal be remanded back to State Court, forthwith.

Respectfully Submitted,

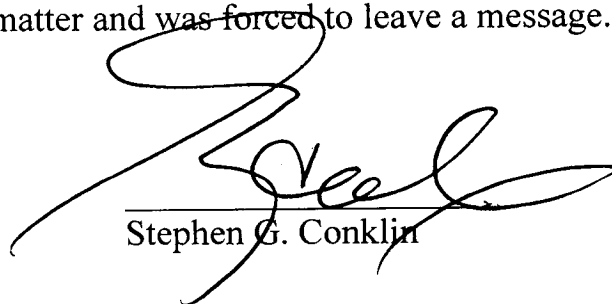


Stephen G. Conklin  
22 Mairdale Street  
Pittsburgh, Pa. 15214  
(717) 460-5450

CERTIFICATE OF CONCURRENCE/NON CONCURRENCE

I, Stephen G. Conklin do hereby certify that on February 21, 2014 at 1:44PM, I attempted to contact Mark E. Morrison's attorney of record, Michael J. Butler, Assistant U.S. Attorney, seeking his concurrence/non-concurrence in the foregoing matter and was forced to leave a message.

Date: February 21, 2014



Stephen G. Conklin

UNITED STATES DISTRICT COURT FOR THE  
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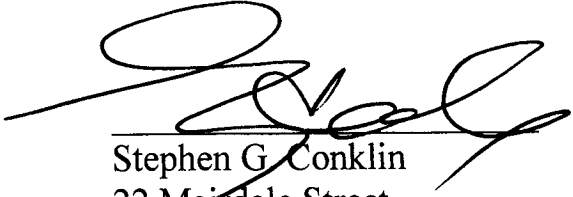
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CERTIFICATE OF SERVICE

I, Stephen G. Conklin, Plaintiff in the above-captioned matter, do hereby certify this 21st day of February 2014, that I caused a true and correct copy of my foregoing Motion to Strike Opposition to Remand upon the parties as listed below:

Michael J. Butler  
Assistant U.S. Attorney  
Ronald Reagan Federal Building  
228 Walnut Street  
P.O. Box 11754  
Harrisburg, Pa. 17108-1754  
(Atty. For Mark E. Morrison)



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